

**OPINION**  
**55-56**

February 7, 1955            (OPINION)

ESTATES

RE: How Summary Administration Available

This office acknowledges receipt of your letter of February 4, 1955, asking for an opinion from this office as to whether chapter 30-17 of the 1953 Supplement to the North Dakota Revised Code of 1943, authorizing summary administration of small estates, may be taken advantage of by relatives further removed than husband, wife, or minor children of the deceased.

It will be noted by chapter 30-16 of the 1953 Supplement to the North Dakota Revised Code of 1943 that certain property to the extent of twenty five thousand dollars has been set aside as absolutely exempt to the husband, wife, or minor children of the deceased.

From these two chapters in our law, it is evident that summary administration applies only to such cases as where the value of the estate is absolutely exempt from the payment of general claims. Relatives further removed than husband, wife, or minor children, the property would not thus be exempt, but would be subject to the general claims against the estate.

It is, therefore, the opinion of this office that summary probate proceedings may not be had if the heirs are further removed than husband, wife, or minor children.

LESLIE R. BURGUM

Attorney General